## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

| UNITED STATES OF AMERICA |                                 |
|--------------------------|---------------------------------|
|                          |                                 |
| v.                       | ) CRIM. CASE NO. 2:23-cr-53-ECM |
|                          | [WO]                            |
| DARRYL JEROME BRADLEY    | )                               |

## **MEMORANDUM OPINION and ORDER**

Now pending before the Court is Defendant Darryl Jerome Bradley's unopposed motion to continue (doc. 36) filed on January 11, 2024. Jury selection and trial are presently set on the term of court commencing on February 5, 2024. For the reasons set forth below, the Court will grant a continuance of the trial pursuant to 18 U.S.C. § 3161(h)(7).

While the trial judge enjoys great discretion when determining whether to grant a continuance, the Court is limited by the requirements of the Speedy Trial Act. 18 U.S.C. § 3161; *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986). The Act provides in part:

In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs.

## 18 U.S.C. § 3161(c)(1).

The Act excludes, however, certain delays from the seventy-day period, including delays based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." *Id.* § 3161(h)(7)(A). In determining whether to grant a continuance under § 3161(h)(7), the court "shall consider,"

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among other factors, whether denial of a continuance would likely "result in a miscarriage of

justice," or "would deny counsel for the defendant . . . the reasonable time necessary for

effective preparation, taking into account the exercise of due diligence." Id.

§ 3161(h)(7)(B)(i), (iv).

Counsel for the Defendant represents to the Court that he underwent surgery on

October 18, 2023, after which he was hospitalized for six days. He further represents that

during said hospitalization, another condition was discovered requiring additional surgery,

which must occur in February. Counsel further represents that the parties have reached a

plea agreement in principle but that the agreement has not yet been executed due in part to

counsel's circumstances. The United States does not oppose a continuance. After careful

consideration, the Court finds that the ends of justice served by granting a continuance of this

trial outweigh the best interest of the public and the Defendant in a speedy trial. Thus, for

good cause, it is

ORDERED that the unopposed motion to continue (doc. 36) is GRANTED, and jury

selection and trial are CONTINUED from February 5, 2024, to the criminal term of court set

to commence on April 22, 2024 at 10:00 a.m. in Montgomery, Alabama. All deadlines tied

to the trial date are adjusted accordingly.

The United States Magistrate Judge shall conduct a pretrial conference prior to the

April trial term.

Done this 12th day of January, 2024.

/s/ Emily C. Marks

EMILY C. MARKS

CHIEF UNITED STATES DISTRICT JUDGE